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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## PATENT

Appl. No.: 09/855,342 Confirmation No.: 8842  
Applicant(s): Caligiuri *et al.*  
Filed: May 14, 2001  
Art Unit: 1642  
Examiner: Stephen L. Rawlings  
Title: METHODS OF THERAPY FOR CANCERS CHARACTERIZED BY  
OVEREXPRESSION OF THE HER2 RECEPTOR PROTEIN

Docket No.: 035784/209112 (5784-50)  
Customer No.: 00826

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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

Responsive to the Notice of Non-Compliant Amendment dated September 29, 2004, in the above-identified application, Applicants provide herewith a resubmission of the "Amendments to the Claims" section that was submitted in the Response to Notice of Non-Compliant Amendment filed July 7, 2004, which addressed all of the non-compliance issues raised by the Examiner in the Notice of Non-Compliant Amendment dated June 8, 2004, and which supplemented the Amendment filed September 15, 2003, in response to the Office Action dated March 14, 2003. The Examiner is respectfully requested to enter these amendments to the claims into the above-identified application.

**Amendments to the Claims** are reflected in the listing of claims beginning on page 2 of this paper.

**Remarks** begin on page 12 of this paper.

RTA01/2166009v1